



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 76

EXTENSION OF EXECUTIVE ORDER NO. KBB 2005-34 EMERGENCY SUSPENSION OF CERTAIN UNEMPLOYMENT INSURANCE LAWS

WHEREAS, Executive Order No. KBB 2005-34, issued on September 12, 2005, suspended La. R.S. 23:1553, 23:1541, 23:1600(2) and (3), and 23:1601(1), (2), and (7), regarding the processing of unemployment insurance claims, in order for the Louisiana Department of Labor to timely and fairly adjudicate a dramatically increased volume of claims following Hurricane Katrina;

WHEREAS, Executive Order No. KBB 2005-34 was effective until September 25, 2005;

WHEREAS, On September 23, 2005, Executive Order No. KBB 2005-34 was amended by Executive Order No. KBB 2005-46, to extend the suspension until October 23, 2005, and limit its application to the claims originating in the parishes included in the federally declared disaster area as a result of Hurricane Katrina; and

WHEREAS, the secretary of Department of Labor has indicated that, with certain modifications, it is necessary that the suspension continue for another four weeks and that there be additional parishes to which it is applicable as a result of Hurricane Rita;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 1 of Executive Order No. KBB 2005-34, issued on September 12, 2005, and amended by Executive Order No. KBB 2005-46, issued on September 23, 2005, be amended as follows:

A. The following statutes relative to unemployment insurance are hereby suspended during the state of emergency until Sunday, November 20, 2005, unless extended by subsequent executive order:

1. R.S. 23:1541, but only to the extent that it requires the administrator to render quarterly statements to each employer of benefits paid each individual and charged to his experience rating record. The benefits paid to persons whose unemployment resulted from Hurricanes Katrina and Rita will not be charged against the employer's account. To send out notices as traditionally done is likely to cause confusion since such notices include benefit charges by all former employees, including those whose benefit will be charged against the social charge account.
2. R.S. 23:1533, but only to the extent that it requires that benefits accruing and paid shall be charged against the experience rating records of base period employers. Benefit charges of such experience-rated employers shall be against the social charge tax rate and not against a specific employer.
3. R.S. 23:1601(1) and (2), which provide certain disqualifications for otherwise eligible claimants. Such disqualifications include reasons for separation from employment, including a substantial change in employment by the employer or intentional misconduct connected with employment by the claimant. Separations that are the direct result of the damage and destruction from Hurricanes Katrina and Rita and their aftermaths are not the fault of either the employer or the claimant. Administration of these separation issues with regard to such claims places an unnecessary burden on

the state's unemployment system. Otherwise eligible claimants shall not be disqualified based on R.S. 23:1601(1) or (2).

- B. The following statutes relative to unemployment insurance are hereby suspended during the state of emergency until Sunday, October, 23, 2005:
1. R.S. 23:1600(2), which requires that claimants be able to work, available for work, and conducting an active search for work. In the aftermath of Hurricanes Katrina and Rita, work search requirements were not practical for most claimants due to challenges with housing, communication, and other displacement issues.
 2. R.S. 23:1601(7) which provides for an offset in unemployment insurance benefits for receipt of certain other benefits such as vacation pay, severance pay, etc. Proof of such payments and the personnel and payroll records of many employers were not timely available or no longer in existence due to the devastation caused by Hurricanes Katrina and Rita. Because of the unprecedented volume of claims, search and investigation of such payments would have imposed an unmanageable burden on the administration of the claims and an undue delay in payment.
- C. Beginning on Sunday, October 23, 2005, R.S. 23:1601(7)(a), (b), (d) and (f) shall continue to be suspended during the state of emergency until Sunday, November 20, 2005, unless extended by subsequent executive order. However, pursuant to R.S. 23:1601(7)(c) and (e), payments under a retirement or pension plan, system or policy shall reduced the unemployment benefits otherwise payable by the amount the base period employer contributed on behalf of the claimant.
- D. The suspension of laws provided in Subsections A, B, and C of this Section shall only apply with regard to claims of claimants whose unemployment was the direct result of Hurricanes Katrina and/or Rita, and:
1. Who, on August 29, 2005, resided or was employed in any of the following parishes: Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Pointe Coupee, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge and West Feliciana; or,
 2. Who, on September 23, 2005, resided or was employed in any of the following parishes: Acadia, Allen, Ascension, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson, Jefferson Davis, Lafayette, Lafourche, Plaquemines, Sabine, St. Landry, St. Martin, St. Mary, St. Tammany, Terrebonne, Vermilion, Vernon, or West Baton Rouge.

SECTION 2:

This Order is effective upon signature and shall continue in effect until Sunday, November 20, 2005, unless amended, modified, terminated, or rescinded by the governor, or terminated by operation of law prior to such time.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of October, 2005.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

/S/ Al Ater
SECRETARY OF STATE